



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Brierley, et al.

Serial No.: 09/614,947

Group Art Unit: 1647

Filing Date: July 12, 2000

Examiner: C. Saoud

For: IGF-I PURIFICATION PROCESS

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OFFICE OF PETITIONS

EXPRESS MAIL LABEL NO: EV 160093387 US

DATE OF DEPOSIT: January 29, 2003

Box DAC  
Commissioner for Patents  
Washington, DC 20231

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED CLAIM  
FOR PRIORITY PURSUANT TO 37 C.F.R. § 1.78 (a)**

Applicant(s) hereby advise the Office that a proper claim of priority under 35 U.S.C. §§ 119(e), 120, 121 or 365(c) was unintentionally delayed beyond the later of four months from the filing date of the later filed application or sixteen months from the filing date of the prior-filed application. Accordingly, Applicant(s) hereby petition that the Office accept the unintentionally delayed claim(s) for priority.

Accompanying this petition is:

1. A supplemental declaration and power of attorney executed by each of the inventors; and
2. The fee of \$1300.00 as set forth in 37 CFR §1.17(t).

An amendment directing entry of the claim for priority into the specification of the above-identified application was submitted on April 24, 2002, which date is later than 4 months from the filing date of the present application and 16 months from the priority date(s) being claimed.

**STATEMENT**

The entire delay in filing the required priority claim(s) from the due date for the priority claim(s) under 37 C.F.R. §§ 1.78 (a) (2) or 1.78 (a) (5) until the filing of the priority claim(s) under 37 C.F.R. §§ 1.78 (a) (3) or 1.78 (a) (6) was unintentional.

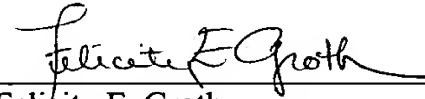
01/31/2003 JBALINAN 00000018 09614947

01 FC:1454  
Repln: Rst: 04/07/2003 AKELLEY 0008330300  
DAB:233050 Name/Number:09614947  
FC: 9204 \$1300.00 CR

Payment of fee(s):

- ☒ Enclosed please find the fee in the amount of \$1300.00 .
- ☐ Please charge Deposit Account No. 23-3050 the sum of \$
- ☒ Please charge Deposit Account No. 23-3050 for any fee deficiency or credit this account for any overpayment for this petition.
- ☒ This Petition is enclosed in duplicate.

Date: January 29, 2003

  
\_\_\_\_\_  
Felicity E. Groth  
Registration No. 47,042

Woodcock Washburn LLP  
One Liberty Place - 46th Floor  
Philadelphia PA 19103  
Telephone: (215) 568-3100  
Facsimile: (215) 568-3439

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01-30-02

DAG

DOCKET NO.: 02655-045005 (CEPH-1422)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

BRIERLEY ET AL.

Serial No.: 09/614,947

Filing Date: JULY 12, 2000

For: IGF-I PURIFICATION PROCESS

Confirmation No.: 2510

Group Art Unit: 1647

Examiner: C. SAOUD

EXPRESS MAIL LABEL NO: EV 160093387 US  
DATE OF DEPOSIT: January 29, 2003

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Assistant Commissioner for Patents  
Washington DC 20231

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REPLY TRANSMITTAL LETTER

Transmitted herewith for filing in the above-identified patent application is:

- ☐ A Preliminary Amendment.
- ☒ An Amendment Responsive to the Office Action Dated July 29, 2002.
- ☐ An Amendment Supplemental to the Paper filed
- ☐ Other:
- ☐ Applicant(s) has previously claimed small entity status under 37 CFR § 1.27.
- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR § 1.27 as:
  - ☐ an Independent Inventor
  - ☐ a Small Business Concern

**DOCKET NO.: 02655-045005 (CEPH-1422)**

**PATENT**

- ☐ a Nonprofit Organization
- ☐ This application is no longer entitled to small entity status. It is requested that this be noted in the files of the U.S. Patent and Trademark Office.
- ☐ Loss of Entitlement Enclosed
- ☐ Substitute Pages of the Specification are enclosed.
- ☐ An Abstract is enclosed.
- ☐ Sheets of Proposed Corrected Drawings are enclosed.
- ☐ A Certified Copy of each of the following applications: is enclosed.
- ☐ An Associate Power of Attorney is enclosed.
- ☐ Information Disclosure Statement.
- ☐ Attached Form 1449.
- ☐ A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith.
- ☐ Appended Material as follows:
- ☒ Other Material as follows: Petition to Accept Unintentionally Delayed Claim for Priority Pursuant to 37 C.F.R. §1.78(a), in duplicate; with Executed Supplemental Declaration and Power of Attorney.

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## FEE CALCULATION

☐ No Additional Fee is Due.

				SMALL ENTITY		NOT SMALL ENTITY	
	REMAINING AFTER AMENDMENT	HIGHEST PAID FOR	EXTRA	RATE	FEE	RATE	FEE
TOTAL CLAIMS	26	26 (20 MINIMUM)	0	\$9 EACH	\$	\$18 EACH	\$0
INDEP. CLAIMS	2	3 (3 MINIMUM)	0	\$42 EACH	\$	\$84 EACH	\$0
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$140	\$	\$280	\$0
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$55	\$	\$110	\$0
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$205	\$	\$410	\$0
<input checked="" type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$465	\$	\$930	\$930
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$725	\$	\$1450	\$0
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME				\$985	\$	\$1970	\$0
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$ )	minus	(\$0)
<input type="checkbox"/> TERMINAL DISCLAIMER				\$55	\$	\$110	\$0
<input checked="" type="checkbox"/> OTHER FEE OR SURCHARGE AS FOLLOWS: Petition to Accept Unintentionally Delayed Claim for Priority						1300.00	1300.00
TOTAL FEE DUE					\$		\$2230.00

- ☒ A check in the amount of **\$2230.00** is attached. Please charge any deficiency or credit any overpayment to Deposit Account 23-3050.
- ☒ Petition is hereby made under 37 CFR § 1.136(a) (fees: 37 CFR § 1.17(a)(1)-(4) to extend the time for response to the Office Action of July 29, 2002 to and through January 29, 2003 comprising an extension of the shortened statutory period of three (3) month(s).
- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account 23-3050. This sheet is provided in duplicate.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 23-3050. This sheet is provided in duplicate.
- ☐ The foregoing amount due for filing this paper.

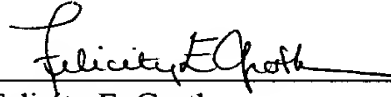
**DOCKET NO.: 02655-045005 (CEPH-1422)**

**PATENT**

- ☒ Any additional filing fees required, including fees for the presentation of extra claims under 37 CFR § 1.16.
- ☒ Any additional patent application processing fees under 37 CFR § 1.17 or 1.20(d).

**SHOULD ANY DEFICIENCIES APPEAR** with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the U.S. Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: January 29, 2003

  
Felicity E. Groth  
Registration No. 47,042

Woodcock Washburn LLP  
One Liberty Place - 46th Floor  
Philadelphia PA 19103  
Telephone: (215) 568-3100  
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DOCKET NO. 02655-046005 (CEPH-1422)

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Brierley et al.

For: IGF-I PURIFICATION PROCESS

## SUPPLEMENTAL DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

## TYPE OF DECLARATION

This declaration is for the following type of application:

(check one applicable item below)

- |  |   |
|--|---|
| <input type="checkbox"/> Original                | <input type="checkbox"/> Divisional                 |
| <input checked="" type="checkbox"/> Continuation | <input type="checkbox"/> U.S. National Stage of PCT |
| <input type="checkbox"/> Continuation-in-Part    |   |

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My residence, post office address and citizenship are as stated below next to my name; and I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Utility Patent | <input type="checkbox"/> Design Patent |
|--|--|

is sought on the invention, whose title appears above, the specification of which:

- ☐ is attached hereto
- ☒ was filed on July 12, 2000, as U.S. Serial Number 09/614,947
- ☐ and was amended on \_\_\_\_\_ (if applicable)
- ☐ was described and claimed in PCT International Application Number \_\_\_\_\_, filed on \_\_\_\_\_ and as amended under PCT Article 19 on \_\_\_\_\_ and/or PCT Article 34 on \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to be material to the patentability of this application in accordance with 37 CFR § 1.56.

**DISCLOSURE AND/OR CLAIM FOR PRIORITY UNDER  
35 U.S.C. §§ 119(a)-(d) OF FOREIGN APPLICATIONS  
FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN)  
OF THIS APPLICATION**

I hereby claim foreign priority benefits under Title 35, United States Code §§ 119(a)-(d) of any foreign applications for patent, inventor's certificate or PCT international application designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent, inventor's certificate or any PCT international application designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

Country (or indicate if PCT)	Application Number	Date of Filing (day, month, year)	Priority Claimed Under 37 USC 119a-d
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

**DISCLOSURE OF FOREIGN APPLICATION(S) IF ANY,  
FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN)  
PRIOR TO THE FILING OF THIS APPLICATION**

Country (or indicate if PCT)	Application Number	Date of Filing (day, month, year)



**CLAIM FOR PRIORITY OF UNITED STATES APPLICATIONS  
OR PCT APPLICATIONS FILED  
IN THE UNITED STATES RECEIVING OFFICE  
UNDER 35 U.S.C. §120**

**RECEIVED**

FEB 03 2003

OFFICE OF PETITIONS

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to be material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<b>Application No.</b>	<b>Date Filed</b>	<b>Status Patented/Pending/Abandoned</b>
08/851,162	May 5, 1997	Patented
08/422,436	April 14, 1995	Patented

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)  
UNDER 35 U.S.C. § 119(e)**

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

<b>Provisional Application Number</b>	<b>Filing Date</b>

**POWER OF ATTORNEY**

I hereby appoint the following persons of **CEPHALON, INC.**, 145 Brandywine Parkway, West Chester, Pennsylvania 19380, as attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

<b>Attorney/Patent Agent</b>	<b>Registration No.</b>
Robert T. Hrubiec	36,692
Eric K. Voelk	45,185

In addition, I hereby appoint the following persons of the firm of **WOODCOCK WASHBURN LLP**, One Liberty Place - 46th Floor, Philadelphia, Pennsylvania 19103 as attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

<b>Attorney/Patent Agent</b>	<b>Registration No.</b>
Suzanne E. Miller	32,279
Felicity E. Groth	47,042

Address all telephone calls, correspondence and maintenance fee correspondence to:

Felicity E. Groth, Esquire  
**WOODCOCK WASHBURN LLP**  
One Liberty Place - 46th Floor  
Philadelphia PA 19103  
Telephone No.: (215) 568-3100  
Facsimile No.: (215) 568-3439

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**Full name of sole or first joint inventor**

Russell A. Brierley  
(Given Name) (Middle Initial or Name) Family (or last name)

**City/State of Actual Residence:** West Chester, Pennsylvania

**Mailing Address:** 1297 Kirkland Avenue, West Chester, Pennsylvania 19380

**Country of Citizenship:** United States of America

**Inventor's signature:** 

**Date:** 28 OCT 02

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**Full name of second joint inventor**

Joan                      N.                      Abrams  
(Given Name)                      (Middle Initial or Name)                      Family (or last name)

City/State of Actual Residence: Downingtown, Pennsylvania

Mailing Address: 464 Brookwood Drive, Downingtown, Pennsylvania 19335

Country of Citizenship: United States of America

Inventor's signature: Joan N. Abrams

Date: 22 NW 02

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

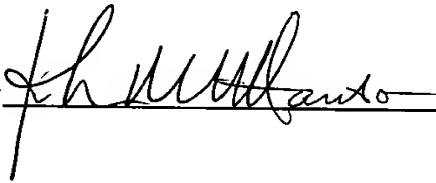
**Full name of third joint inventor**

John                      M.                      Hanson  
(Given Name)              (Middle Initial or Name)      Family (or last name)

City/State of Actual Residence: Encinitas, California

Mailing Address: 1019 Elmview Drive, Encinitas, California 92024-5236

Country of Citizenship: United States of America

Inventor's signature: 

Date: 10/30/02

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of fourth joint inventor

Francis C. Maslanka  
(Given Name) (Middle Initial or Name) Family (or last name)

City/State of Actual Residence: West Chester, Pennsylvania

Mailing Address: 607 Lorient Drive, West Chester, Pennsylvania 19382

Country of Citizenship: United States of America

Inventor's signature:

Francis C Maslanka

Date:

14 Nov 02